

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. ORIEN L. TULP,)	
)	
Plaintiff,)	Case No. 2:18-cv-05540-WB
)	
v.)	Hon. Wendy Beetlestone
)	
EDUCATIONAL COMMISSION FOR)	
FOREIGN MEDICAL GRADUATES and)	
DR. WILLIAM W. PINSKY,)	
)	
Defendants.)	
)	

SUPPLEMENT TO JOINT APPENDIX – TABLE OF CONTENTS

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June 20, 2019 Declaration of Elisa McEnroe	JA0703-JA0704
Exhibit A: Email from C. Barrett to W. Reil, T. Swate, E. McEnroe, and M. Klayman (May 1, 2019)	JA0705-JA0706
Exhibit B: Letter from W. Reil to E. McEnroe (May 2, 2019)	JA0707-JA0708

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DR. ORIEN L. TULP,)	
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Plaintiff,)	Case No. 2:18-cv-05540-WB
)	
v.)	Hon. Wendy Beetlestone
)	
EDUCATIONAL COMMISSION FOR)	
FOREIGN MEDICAL GRADUATES and DR.)	
WILLIAM W. PINSKY,)	
)	
Defendants.)	

**DECLARATION OF ELISA P. MCENROE IN SUPPORT OF DEFENDANT’S REPLY
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

I, Elisa P. McEnroe, declare as follows:

1. I am an attorney in the law firm Morgan, Lewis & Bockius LLP and counsel for Defendant Educational Commission for Foreign Medical Graduates (“ECFMG”).
2. I make this Declaration in connection with the above-captioned action. I have personal knowledge of the facts stated herein and if called as a witness could and would testify to those facts.
3. On May 1, 2019, my colleague Caitlin Barrett sent counsel for Dr. Tulp (Bill Reil and Tommy Swate) an email entitled “Tulp v. ECFMG – Joint Appendix” concerning the Joint Appendix that would be filed in connection with ECFMG’s summary judgment motion. Attached to the email were (1) a table of contents summarizing the contents of the proposed Joint Appendix, and (2) an electronic version of the proposed Joint Appendix. I was copied on that email and received it myself. A true and correct copy of that email (without its voluminous attachments) is attached here as **Exhibit A** (JA0705-JA0706).

4. In response, Bill Reil, counsel for Dr. Tulp, sent a letter to counsel for ECFMG reflecting confusion about whether ECFMG was asking him to stipulate to anything about the documents. A true and correct copy of that letter is attached here as **Exhibit B** (JA0707-JA0708).

5. Together with my colleague Matthew D. Klayman, I called Bill Reil on the phone on the afternoon of May 2.

6. During the call, I explained the Court's Policies and Procedures regarding the preparation of a Joint Appendix, including the fact that Dr. Tulp could add materials to the Joint Appendix before filing or supplement the Joint Appendix with additional materials after it was filed (if necessary). Mr. Reil responded that he had nothing to add to the Joint Appendix at that time and that we had conferred with him pursuant to the Court's Policies and Procedures.

7. The first time Dr. Tulp disclosed the "Spreadsheet of Student Loss at USAT" and the accompanying documents (PA 0663–PA 0665) was in its opposition to Defendant's Motion for Summary Judgment. These documents were responsive to numerous requests for production but not produced in discovery.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

EXECUTED: June 20, 2019


Elisa P. McEnroe

EXHIBIT A

Barrett, Caitlin

From: Barrett, Caitlin
Sent: Wednesday, May 1, 2019 11:19 AM
To: 'billreillaw@gmail.com'; 'swatemd@aol.com'
Cc: McEnroe, Elisa P.; Klayman, Matthew D.
Subject: Tulp v. ECFMG - Joint Appendix
Attachments: Joint Appendix.pdf; 052766_103809714v1_5.1.2019 DRAFT Table of Contents for Joint Appendix (2).DOCX

Counsel,

I am sending the following correspondence on behalf of Elisa McEnroe. Defendant ECFMG intends to move for summary judgment this week in accordance with Judge Beetlestone's scheduling order. As Judge Beetlestone's Order lays out, the Parties must develop a joint appendix which the movant for summary judgment will then file at the time it files the motion for summary judgment. Please find attached our proposed joint appendix and a list of the contents of the proposed appendix. Once the appendix is agreed upon, we will bates-number it and have it prepared for filing. Please let us know whether you have any objections or additions you would like to make **by the close of business day, tomorrow, May 2, 2019.**

Best,

Caitlin Barrett

Morgan, Lewis & Bockius LLP

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EXHIBIT B

William C. Reil, Esquire
1515 Market Street, Suite 1200, Philadelphia, PA 19102
Tel: 215-564-1635 Fax: 215-564-4292
BillReilLaw@gmail.com

May 2, 2019

BY EMAIL ONLY

elisa.mcenroe@morganlewis.com

Elisa P. McEnroe, Esquire
Morgan, Lewis, and Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

Re: Dr. Tulp v. ECFMG and Dr. Pinsky
Docket No: 2:18-cv-05540-WB
Joint Appendix and Stipulations

Dear Ms. McEnroe:

I received your email captioned "Joint Appendix." There has been insufficient time to look over 500 pages of documents which you sent to us. It would be useful if you could send a list of proposed stipulations, which you wish Mr. Swate and myself to consider.

Generally, I will stipulate to the authenticity of any reasonable exhibit, but not necessarily to the truth of the entire document. Accordingly, it would be preferable to see the document to which the appendix refers. I would recommend to my client that we reserve the right to object to a stipulation, contingent upon how it is used.

Sincerely yours,



William C. Reil

cc: Tommy Swate, Esquire
Dr. Orien L. Tulp